

Appl. No. 09/735,498  
Amtd. dated Dec. 13, 2006  
Reply to Office action of Oct. 13, 2006

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### REMARKS/ARGUMENTS

Applicant, first, respectfully takes issue with the Examiner's analysis of Figure 9 of the Herbst door disclosed in US Patent 6,161,363 used to reject Claims 1-3, 7, 9, 10, 13 and 14 as being anticipated.

The Herbst US Patent 6,161,363 is directed to doors not windows.

To facilitate applicant's submission that it is clear that the Herbst door disclosed in Figure 9 does not anticipate these claims, a copy of the actual Figure 9 taken from the Herbst patent is attached to which the letter "W" has been added to indicate the Walls of the panels.

The description of Figure 9 is found on column 3, lines 8-13. From the description and drawings, the only dam walls shown are walls 52 and 54. Members 55 and 56 are obviously not walls with 55 simply being a pin projecting from the left hand wall W which fits into a mounting boss 56 projecting from the right hand wall W.

The walls of Figure 9 marked "W" clearly extend continuously downwardly and there is obviously no channel CH, as asserted by the Examiner.

It is to be noted that the interfitting pin(s) 55 and boss(s) 56 form an internal obstruction within the frames preventing an article such as a window being received between them.

It is therefore respectfully submitted that the claims rejected as being anticipated by Herbst as contended by the Examiner's analysis are clearly not anticipated and reconsideration and allowance of these claims is respectfully requested.

Applicant also respectfully submits that not only is applicant's two-part window frame completely novel over all known prior art, but the simplicity of the claimed structure is highly ingenious.

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With respect to the rejection of Claims 5 and 17-19 as being unpatentable over Herbst in view of US Patent 6,922,946 to Gerard, it is respectfully pointed out as submitted above, that Herbst clearly does not disclose the basic claim structure and it is respectfully submitted that Gerard adds nothing to Herbst relative to applicant's Claims 5 and 17-19 since Gerard's frame members are held spaced apart by the projections 20, 22, 30 and 32.

Applicant respectfully notes that when referring to Claims 18 and 19, the Examiner recognizes that 55 and 56 comprise a projecting formation 55 plugged into a mating receptical 56 refuting the earlier analysis that 55 and 56 constituted a bottom wall.

Again, with respect to Claims 6 and 11, the rejection is based on the Examiner's erroneous analysis of Herbst's Figure 9 which has been fully dealt with above.

Applicant respectfully submits that these claims which are dependent on Claim 1 are clearly allowable for the reasons given above.

For the reasons given in respect of Claim 1, the Herbst frame members which frame a door to be filled an expanding foam do not and could not provide "sides of a frame to support a sliding window sash" as set out in Claim 21. It is therefore respectfully submitted that this claim is clearly allowable.

It is noted that Claims 16, 20 and 22 are allowed.

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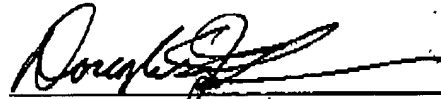
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In light of the above submissions, reconsideration of the application and its allowance is respectfully requested.

Respectfully submitted,



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